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7 Attorneys for Plaintiff
UNITED STATES OF AMERICA

8 UNITED STATES DISTRICT COURT

9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. CR 15-00251-BRO

11 Plaintiff,

GOVERNMENT'S POSITION WITH RESPECT
TO SENTENCING FACTORS; SENTENCING
POSITION; EXHIBIT

12 v.

13 CHARLES GOSWITZ,

Hearing Date: October 26, 2015
Hearing Time: 9:00 a.m.

14 Defendant.

15 Location: Courtroom of the Hon.
Beverly Reid O'Connell

17 Plaintiff United States of America, by and through its counsel
18 of record, the United States Attorney for the Central District of
19 California, in accordance with the provisions of Sentencing
20 Guidelines Manual Section 6A1.2, and consistent with the terms of the
21 plea agreement between the parties, hereby adopts without objection
22 the findings and recommendations of the United States Probation
23 Office, including the recommendation that defendant be sentenced at
24 the low-end of the 57-71 months advisory guidelines sentencing range
25 to a term of imprisonment of 57 months.

26 In support of this sentence, the government further adopts the
27 justification set forth in the United States Probation Office's
28

1 disclosed sentencing recommendation and believes that justification
2 is more than sufficient grounds for the recommended sentence taking
3 into consideration the sentencing factors at 18 U.S.C. § 3553(a).

4 Indeed, notwithstanding any mitigation argued by defendant, the
5 sexual exploitation of minors is a very serious offense, and, while
6 the government did not prove, or attempt to prove that defendant knew
7 his victim in this case was a minor, there was evidence that
8 defendant intentionally targeted very young girls. In particular,
9 many of the photographs of girls defendant contacted for commercial
10 sex (as recovered from defendant's computer) looked as if they were
11 juveniles.¹ Additionally, as set forth in the underlying complaint
12 affidavit in this case, even after being told by HSI agents that his
13 victim in this case was a juvenile and possibly a victim of human
14 trafficking, defendant attempted to re-contact her. Moreover, when
15 asked about the nature of his subsequent communication, defendant was
16 less than forthcoming. Specifically, defendant stated that he had
17 contacted a girl who looked to him like his prior victim using a
18 different name, and stated to her something along the lines of, "you
19 look a lot like Beautiful Ashlyn." However, when the agents reviewed
20 the actual communication, what defendant actually said was: "Rates?
21 Menu? BBBJ? Thanks," which contrary to defendant's Representation,

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26 ¹ Photographs of some of these girls were shown to defense
27 counsel prior to defendant's guilty plea and will be available for
viewing by the Court at the sentencing hearing if the Court deems it
necessary.

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1 appears to be a solicitation for sex. (See Exhibit 1 at 37-40).²³

2 Dated: Oct. 12, 2015

Respectfully submitted,

3 EILEEN M. DECKER
United States Attorney

4 /s/

5 LAWRENCE S. MIDDLETON
6 Assistant United States Attorney
7 Chief, Criminal Division

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

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17 ² Exhibit 1 is an excerpt of the underlying Criminal Complaint
18 filed in this case.

19 ³ Finally, the United States Probation Office correctly states
20 that the maximum punishment for defendant's offense of conviction
21 includes a mandatory 5-year period of supervised release. In the
written plea agreement the government incorrectly advised that the
maximum punishment included a 3-year term of supervised release.
22 Notwithstanding that defendant was misadvised as to the maximum
period of supervised release, the error is harmless where the
sentence imposed, including the period of supervised release, does
not exceed the statutory maximum punishment that the defendant was
23 advised that he could receive at the change of plea hearing. See
United States v. Roberts, 5 F.3d 365, 368-69 (9th Cir. 1993); United
24 States v. Brown, 586 F.3d 1342, 1346 (11th Cir. 2009). In this case,
defendant was advised that the maximum period of confinement for the
crime to which defendant was pleading guilty was twenty years.
25 Nevertheless, prior to imposing sentence, the government respectfully
26 asks that the court advise defendant that the maximum punishment for
the crime to which he pleaded guilty includes a mandatory 5-year
27 period of supervised release, and confirm on the record that
defendant does not wish to withdraw his guilty plea.